

# Journal of the House

FORTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, March 18, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.  
The roll was called with 122 members present.  
Reps. Brookens, Svaty and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Todd Carter, pastor, Westlink Christian Church, Wichita, and guest of Reps. Hermanson and Watkins:

Father in heaven, thank you so much for the place and the people of Kansas. We love this place. Father, thank you for the men and women who are serving here today. Thank you especially for my brothers Phil and Jason and their desire to serve you. God we live in such turbulent times and I pray as these leaders come together today that you would give them wisdom and discernment as they discuss the matters at hand. Father, that you would use the decisions that they make to be a blessing to every person that lives in this state, especially God, those who are least and last.

And Father I want to pray as well for all of the men and women in our armed forces, especially for the ones who are from the state of Kansas, that are working to ensure the freedom that we're enjoying right now. Keep them safe, watch over them. Thank you for their model of sacrificial service. And it's in Jesus' name that I pray. Amen.

The Pledge of Allegiance was led by Rep. Goyle.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Lukert are spread upon the journal:

I think most of you remember an education bill we discussed several weeks ago that was going to reduce funding for a number of small rural schools.

One of those that would have been directly impacted was a school in my district, B & B High School. I've asked that you recognize a group of young men from that school for a specific accomplishment. But it is only part of the reason I've asked them to be here today.

I have chosen to use this opportunity to help some of my colleagues, almost all of whom I consider to be friends, understand a little better what a small rural school is all about.

This group of young men happened to have won the 8 man division state football championship under the direction of Coach Steve Tiernan.

But, that accomplishment aside, I want to focus on a few statistics and some informal data that hopefully will create a better understanding of a rural school atmosphere.

B & B High School has 117 students in 4 grades. Of those 117 students 32 participated on the football team . . . 29 of those 32 made the A and B honor roll.

According to the latest Kansas State High School Assessments data, B & B High School ranked third out of 308 high schools.

It has been suggested that we are in some ways depriving students in a small school of a quality education and I would respectfully suggest that is not the case.

In the next few years we are going to face a lot of difficult funding decisions. Budget cuts are easier when we can do it in an impersonal way. I wanted all of my colleagues to be able to put a face on one of the small schools we're going to be making those decisions on.

Congratulations on your state championship B & B and thanks for being here today.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2387**, An act concerning fire insurance premiums; relating to the emergency medical services board operating fund and the fire service training program fund; amending K.S.A. 2008 Supp. 75-1514 and repealing the existing section, by Committee on Appropriations.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2385**.

Appropriations: **HCR 5016**.

Federal and State Affairs: **HCR 5017**.

Agriculture and Natural Resources Budget: **HB 2386**.

#### MESSAGE FROM THE GOVERNOR

March 6, 2009

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Directive No. 09-396 for your information.

EXECUTIVE DIRECTIVE No. 09-396  
Authorizing Expenditure of Federal Funds

KATHLEEN SEBELIUS  
*Governor*

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H. Sub. for SB 238**, and requests return of the bill.

The Senate nonconcur in House amendments to **SB 84**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 84**.

Speaker O'Neal thereupon appointed Reps. Aurand, Horst and Winn as conferees on the part of the House.

#### CONSENT CALENDAR

Objection was made to **Sub. SB 89** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 175** appearing on the Consent Calendar for the first day.

No objection was made to **SB 115, SB 148, SB 156** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 115**, An act relating to fire departments; concerning certain powers; amending K.S.A. 31-145 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

**SB 148.** An act concerning missing elderly persons; establishing the Kansas silver alert plan, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

**SB 156.** An act concerning corporations; relating to close corporations; amending K.S.A. 17-7207 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.  
 Absent or not voting: Brookens, Svaty, Winn.  
 The bill passed.

**Sub. HB 2008.** An act concerning epinephrine; relating to the administration thereof; authorizing the maintenance of epinephrine kits; amending K.S.A. 2008 Supp. 65-2872 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.  
 Present but not voting: None.  
 Absent or not voting: Brookens, Svaty, Winn.  
 The substitute bill passed, as amended.

**HB 2072.** An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; disability benefits; amending K.S.A. 2008 Supp. 74-4960a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 7; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Huebert, Landwehr, McLeland, Pottorff, Watkins, Whitham, Yoder.  
 Present but not voting: None.  
 Absent or not voting: Brookens, Svaty, Winn.  
 The bill passed, as amended.

**HB 2325.** An act concerning sales taxation; relating to countywide retailers sales tax; rate limitations; amending K.S.A. 2008 Supp. 12-189 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Her-

manson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Faber.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

**SB 122.** An act relating to motor vehicles; concerning rebuilt salvage vehicles; amending K.S.A. 79-5104 and K.S.A. 2008 Supp. 8-135 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Donohoe, Kelley, Landwehr.

Present but not voting: Otto.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote present on **SB 122** because I drive a rebuilt vehicle. Wonderful rebuilt vehicles can be purchased at Beyer Motor Company in Gridley, Kansas.—BILL OTTO

**SB 123.** An act relating to antique vehicles; concerning certain license plates; amending K.S.A. 2008 Supp. 8-172 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.  
The bill passed.

**SB 131.** An act concerning technical colleges; relating to the powers and duties of the governing bodies thereof, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, DeGraaf, Donohoe, Faber, Finney, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: T. Brown, Burroughs, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, Henderson, Henry, Kuether, Lane, Loganbill, Ward.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huntington, the House concurred in Senate amendments to **HB 2197**, An act concerning state educational institutions; relating to the admission of students thereto; amending K.S.A. 76-717 and repealing the existing section.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Watkins in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Watkins, Committee of the Whole report, as follows, was adopted:

Recommended that **SB 19** be passed over and retain a place on the calendar.

Committee report to **SB 132** be adopted; and the bill be passed as amended.

Committee report to **SB 11** be adopted; and the bill be passed as amended.

Committee report to **SB 70** be adopted; and the bill be passed as amended.

Committee report to **SB 80** be adopted; also, on motion of Rep. Mast be amended on page 2, after line 5, by inserting the following:

“Sec. 2. From and after July 1, 2009, K.S.A. 66-104e is hereby amended to read as follows: 66-104e. (a) Any city by ordinance may relinquish to the state corporation commission the city’s power and authority under K.S.A. 66-104, and amendments thereto, to control and regulate any privately owned and operated *natural gas or water public utility utilities* situated and operated wholly or principally within the city or principally operated for the benefit of the city or its people. Subsequently the city by ordinance may reassert the city’s power and authority under K.S.A. 66-104, and amendments thereto, to control and regulate such utility.

(b) Within five business days after adoption of any ordinance described in subsection (a):

(1) The city clerk shall forward a certified copy of the ordinance to the state corporation commission; and

(2) if the ordinance relinquishes jurisdiction of a privately owned and operated *natural gas or water public utility*, such utility shall file with the commission an application for a certificate of convenience and necessity.

(c) Upon receipt of an ordinance relinquishing jurisdiction of a *natural gas or water public utility* pursuant to this section, the commission shall assume jurisdiction and control of the privately owned and operated *natural gas or water public utility* as provided by law for other *natural gas or water public utilities* under the jurisdiction of the commission. The commission shall maintain such jurisdiction and control until the city subsequently adopts and files with the commission an ordinance reasserting the city’s power and authority pursuant to K.S.A. 66-104, and amendments thereto.

(d) A city shall not adopt any ordinance described in subsection (a) more often than once every two years.”;

Also on page 2, after line 6, by inserting the following:

Sec. 4. On July 1, 2009, K.S.A. 66-104e is hereby repealed.”;

And by renumbering the sections accordingly;

In the title, in line 12, after the semicolon where it appears the second time, by inserting “relating to cities’ power to relinquish authority to regulate natural gas and water utilities to the state corporation commission;”; in line 13, after “15-809” by inserting “and 66-104e”; also in line 13, by striking “section” and inserting “sections”; and **SB 80** be passed as amended.

Committee report to **SB 171** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 145** be adopted; and the substitute bill be passed.

Committee report to **SB 64** be adopted; also, on motion of Rep. D. Gatewood be amended on page 3, in line 41 by striking “and place of use”; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long Term Care** recommends **HB 2310, HB 2366** be passed

and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Aging and Long-term Care** recommends **HB 2323** be amended on page 2, in line 20, after the period by inserting “The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by an adult care home on the effective date of this act and while continuously employed by the same adult care home.”;

On page 5, by striking all in lines 5 through 7;

And by relettering the remaining subsections accordingly;

On page 6, in line 16, after the period by inserting “The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by a home health agency on the effective date of this act and while continuously employed by the same home health agency.”;

On page 9, by striking all in lines 25 through 27;

And by relettering the remaining subsections accordingly;

On page 1, in the title, in line 9, by striking “adult care homes and home health agencies” and inserting “providers of care services; relating to employment of persons by such providers”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2272, HB 2283, SB 203** be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 183** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Appropriations** recommends **SB 30** be amended on page 2, in line 39, by striking “or resigning”; in line 40, preceding “who” by inserting “or a state law enforcement officer”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HR 6018** be adopted.

Committee on **Judiciary** recommends **SB 8** be passed.

Committee on **Judiciary** recommends **SB 44** be amended on page 3, in line 13, after the period by inserting “An innocent mistake shall be a defense to an action under this act.”; in line 14, by striking “made”; in line 15, by striking all before the period and inserting “related to state taxation law made pursuant to chapter 79 of the Kansas Statutes Annotated, and amendments thereto”; in line 32, by striking “committed” and inserting “discovered or reasonably should have been discovered”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 45** be amended on page 1, in line 35, after “principal” where it appears the second time, by inserting “expressed in the presence of a notary public”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 87** be amended on page 7, in line 25, after the comma by inserting “abuse,”;

On page 10, in line 9, after the period by inserting “The burden of proof provided in this subsection shall not apply to standard of care cases conducted by the board of healing arts.”; in line 24, by striking “The” and inserting “For all agencies, except for the state court of tax appeals, the”;

On page 16, in line 6, after “witnesses” by inserting “and to determine the credibility of witnesses”;

On page 19, in line 14, after the stricken material by inserting “and”; in line 17, by striking “; and”; by striking all in lines 18 through 28; in line 29, by striking all before the period; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 60** be amended on page 4, in line 31, preceding “pursuant” by inserting “in Labette county”; and the bill be passed as amended.

#### **CHANGE OF REFERENCE**

Speaker O’Neal announced the withdrawal of **SB 254** from Committee on Local Government and referral to Committee on Agriculture and Natural Resources.

#### **REPORT ON ENGROSSED BILLS**

**Sub. HB 2008; HB 2072** reported correctly engrossed March 17, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, March 19, 2009.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

